

February 25, 2022

By ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York

*Re: In re: New York City Policing During Summer 2020 Demonstrations,
No. 20-CV-8924
This Filing is Related to All Cases*

Your Honor:

We write on behalf of Plaintiffs to request that the Court enter the enclosed proposed order to unseal records concerning certain nonparty arrests that Defendants have relied upon to justify their response to the Mott Haven protest on June 4, 2020.

The proposed order unseals records concerning: (1) arrests relating to unrest in the Fordham Road area on the night of June 1-2, 2020; (2) a gun-related arrest on East 149th Street on June 4; and (3) an arrest of three persons in a vehicle on East 149th Street on June 4. The Court has previously entered a substantively similar unsealing order concerning protest-related nonparty arrests. Dkt. #194.

Good cause exists to unseal these additional records because Defendants have repeatedly invoked these events to justify their actions in Mott Haven on June 4. Just by way of example, when interviewed by investigators from the City's Department of Investigation, Defendant Terence Monahan explained that the NYPD was "concerned" about the June 4 Mott Haven protest in part because "[t]he Bronx had been hit very hard up on Fordham Road," "[a] person was arrested right by where the march began on 149th Street before the beginning of the march [with a gun]," and "[t]here was also a car stopped prior to the march where people were arrested in possession of fireworks, hammers, helmets that said they intended to utilize those things during the course of the march." Monahan DOI Tr. 60.

Plaintiffs are therefore entitled to discover NYPD records relevant to Defendants' knowledge of the circumstances of these arrests and to whether these arrests actually bore any connection to the peaceful exercise of First Amendment rights that occurred in Mott Haven on June 4. Plaintiffs have subpoenaed such records from the Office of the Bronx District Attorney, which is withholding some responsive material until an unsealing order is entered.

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We have asked Defendants for their position on this proposed unsealing on three occasions, and Defendants have expressed no objection. We thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Douglas E. Lieb
Alison Frick

cc. All counsel of record (by ECF)
Encl. Proposed unsealing order